

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20588 of 2007

01.10.2007

Between

K.Venkata Swamy

...Petitioner

And

The District Collector (Land Acquisition), Anantapur and
another.

...Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20588 of 2007

ORDER:

This writ petition is filed questioning the notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') by the first respondent proposing to acquire the land to an extent of Acs.141.25 cents from different individuals in Guntakal Village and Mandal, Ananthapur District, without specifying the purpose for which it is intended, except stating that it is required.

In the writ petition, the petitioner raised an issue that the first respondent has no power to acquire the land without specifying the purpose for which it is intended. The learned counsel for the petitioner sought to rely upon a judgment of the Supreme Court in **Munshi Singh and**

others v Union of India^[1], wherein it was observed that the person interested in the land proposed to be acquired must have an opportunity to submit his objections and that he can do so only if the notification while mentioning public purpose gives some definite indication or particulars of the said purpose, which would enable the persons concerned to object effectively, and where the notification merely mentions that the land was needed for public development of the area and there was no proof that the interested persons were either aware and were shown the scheme or the master plan in respect of the planned development, it was held that the persons were unable to object effectively and accordingly, held that the acquisition proceedings were liable to be quashed. Hence, the learned counsel for the petitioner sought setting aside the impugned notification.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

Admittedly, notification under Section 4(1) of the Act was published in a Telugu Newspaper, wherein it was mentioned that the land mentioned therein is required and it does not show even that the land is required for public purpose, leave apart the specified public purpose for which it was proposed to be acquired. In the absence of the same, the notification as approved and published by

the first respondent is illegal and unsustainable. In view of the same and as the issue is squarely covered by the judgment of the Supreme Court referred to above, the impugned notification in its entirety is quashed. However, it is made clear that it is open to the first respondent that if the land in question is required for any specified public purpose, he can issue fresh notification specifying the purpose.

The writ petition is accordingly allowed. No costs.

01.10.2007

Note: Issue CC in one week.

(b/o)
VGB

[\[1\]](#) AIR 1973 SC 1150